

**BEFORE THE STATE BOARD OF REGISTRATION  
FOR THE HEALING ARTS**

STATE BOARD OF REGISTRATION	)	
FOR THE HEALING ARTS,	)	
	)	
Board,	)	
	)	
v.	)	HA01015784
	)	
REBECCA L. TURNER, M.D.,	)	
9406 E. 63 <sup>rd</sup> Street	)	
Raytown, MO 64133,	)	
	)	
Licensee.	)	

**SETTLEMENT AGREEMENT**

Rebecca L. Turner, M.D., ("Licensee") and the State Board of Registration for the Healing Arts ("Board") enter into this Agreement for the purpose of resolving the question of whether Dr. Turner's license as a physician will be subject to discipline. Licensee and the Board jointly stipulate and agree that a final disposition of this matter may be effectuated as described below pursuant to §621.045, RSMo 2000.

1. Licensee acknowledges that she understands the various rights and privileges afforded by law, including the right to a hearing of the charges against Licensee; the right to appear and be represented by legal counsel; the right to have all charges against Licensee proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Licensee; the right to present evidence on Licensee's own behalf; the right to a decision based upon the record by a fair and impartial administrative hearing

commissioner concerning the charges pending against Licensee; and subsequently, the right to a disciplinary hearing before the Board at which time evidence may be presented in mitigation of discipline. Having been advised of these rights provided Licensee by operation of law, Licensee knowingly and voluntarily waives each and every one of these rights and freely enters into this Agreement and agrees to abide by the terms of this document as they pertain to Licensee.

2. Licensee acknowledges that she may, at the time this Agreement is effective or within fifteen days thereafter, submit this Agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties constitute grounds for discipline of Licensee's license.

3. Licensee acknowledges that she has been informed of her right to consult legal counsel in this matter.

4. Licensee hereby waives and releases the Board, its members and any of its employees, agents, or attorneys, including any former Board members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees costs and expenses, and compensation, including, but not limited to any claims for attorneys fees and expenses, including any claims pursuant to § 536.087, RSMo 2000, or any claim arising under 42 U.S.C. 1983, which may be based upon, arise out of, or relate to any of the matters raised in this case or this Agreement, or from the negotiation or execution of this Agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this Agreement in that it

survives in perpetuity even in the event that any court of law deems this Agreement, or any portion thereof, void or unenforceable.

5. The parties stipulate and agree that the disciplinary order agreed to by the Board and Licensee in Part II herein is based only on the Agreement set out in Part I herein. Licensee understands that the Board may take further disciplinary action against Licensee based on facts or conduct not specifically mentioned in this document that are either now known to the Board or may be discovered.

6. Licensee understands and agrees that the Missouri State Board of Registration for the Healing Arts will maintain this Agreement as an open record of the Board as required by Chapters 334, 610, 620 and 621, RSMo, as amended.

I.

Based upon the foregoing, Board and Licensee herein jointly stipulate to the following:

JOINT FINDINGS OF FACT

1. The State Board of Registration for the Healing Arts ("Board") is an agency of the State of Missouri created and established pursuant to § 334.120, RSMo, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo, the Healing Arts Practice Act.

2. Rebecca L. Turner, M.D. ("Licensee") is licensed by the Board as a physician, License Number MDR2J02, which license was first issued September 22,

1988. Licensee's Missouri license is current, and was current and active at all times mentioned herein.

3. At the time of the events mentioned herein, Licensee was employed by Raytown Family Medical Care, Inc., Raytown, Missouri.

4. From July 1994 until June 1997, Licensee saw and treated patient L.M. for, *inter alia*, hypertension, chest pains, fatigue, swelling of the extremities, and depression.

5. On or about July 28, 1994, Licensee saw L.M. at her office for the first time. During this visit, Licensee treated L.M. for gastroenteritis and diarrhea. L.M.'s triglycerides count was 268.

6. On July 19, 1995, Licensee saw L.M. and recorded her blood pressure. L.M.'s blood pressure was 170/120. L.M. weighed 213 pounds. Licensee prescribed Procardia XL 60 mg and a refill of Prozac and instructed L.M. to return in three months for a follow-up visit.

7. On November 9, 1995, Licensee saw L.M. for complaints of facial pressure and postnasal drip. L.M.'s blood pressure was 130/88. L.M. weighed 208 pounds.

8. On March 27, 1996, Licensee saw L.M. for a routine three-month visit. L.M.'s blood pressure was 140/90. L.M. weighed 212 pounds.

9. On or about July 15, 1996, Licensee reviewed the results of L.M.'s laboratory tests that were performed pursuant to a referral for a hysterectomy. L.M.'s cholesterol level was 212 and her triglycerides count was 478. Licensee believed the high

results were attributable to L.M.'s failure to fast prior to the tests. At this time, Licensee did not order or recommend that a second set of tests be performed.

10. On September 6, 1996, Licensee saw L.M. for complaints of sinus congestion, headaches, postnasal drainage, and severe fatigue. A laboratory test found that L.M.'s triglycerides count was 679. Licensee again attributed the high triglyceride level to non-fasting. Licensee did not order or recommend that a second set of tests be performed. Licensee did not consider a cardiac problem for an alternative diagnosis.

11. On October 24, 1996, Licensee saw L.M. for complaints of swelling in her feet and hands. L.M.'s blood pressure was 150/90. Licensee believed that L.M.'s blood pressure was not under control. Licensee questioned L.M.'s compliance in taking her blood pressure medication.

12. On October 31, 1996, L.M. visited Licensee's office for a blood pressure check-up. L.M.'s blood pressure was 160/100.

13. On November 4, 1996, Licensee saw L.M. for a blood pressure check-up. L.M.'s blood pressure was 160/110. L.M. complained of sinus congestion and fatigue. Licensee did not feel that L.M. had a potential cardiac abnormality or that there was a need for a referral to a specialist.

14. On December 26, 1996, Licensee saw L.M. for a blood pressure check-up. L.M.'s blood pressure was 160/90. L.M. weighed 213 pounds. L.M. again complained of sinus congestion.

15. On February 3, 1997, L.M. visited Licensee's office and complained of chest pain that tunneled to her back and caused a numb feeling all over her body. L.M.'s blood pressure was 176/110. Licensee did not consider that L.M.'s complaints of chest pain were attributable to a potential cardiac problem.

16. On April 14, 1997, L.M. visited Licensee's office and complained of chronic fatigue, frequent chest pain, and hot flashes. Her blood pressure was 154/88. Licensee believed L.M.'s complaints were attributable to side-effects of her blood pressure medication, chest wall pain, anxiety, and depression; Licensee did not believe a need existed for a cardiac examination by a specialist.

17. On May 20, 1997, L.M. visited Licensee's office and complained of pain in her right hip joint, a heavy feeling in her legs, chest congestion, and a productive cough. Licensee felt that L.M. did not exhibit any symptoms of a cardiac problem and her condition did not warrant a referral to a specialist.

18. On June 11, 1997, L.M., at the age of 48, was found deceased in bed by her husband. An autopsy performed on June 12, 1997, revealed that L.M.'s heart was not enlarged, she had minimal coronary arteriosclerosis, and she had no myocarditis or inflammation of the heart muscle. The autopsy did not reveal an anatomic cause of death.

19. Throughout Licensee's treatment and care of L.M., Licensee failed to perform a cardiovascular work-up evaluation on L.M. and failed to refer her to a specialist for such an evaluation, even though Licensee was aware of L.M.'s risk factors for potential cardiac disease.

20. Licensee, during her care and treatment of L.M., failed to document a recommendation of a weight reduction or exercise program to L.M., even though Licensee was aware of L.M.'s chronic hypertension and obesity.

21. Licensee failed to elicit and/or record a complete patient history from L.M..

22. The standard of care requires that a physician engaging in family practice perform a cardiovascular work-up evaluation on a known hypertensive patient who has multiple risk factors of cardiac damage or disease, or, in the alternative, refer such a patient to the appropriate specialist for evaluation.

23. Licensee's failure to perform or refer L.M. for the appropriate cardiovascular evaluation was or might have been harmful or dangerous to the physical health of L.M..

#### JOINT CONCLUSIONS OF LAW

24. Cause exists for the Board to take disciplinary action against Licensee's license pursuant to §334.100.2(5), RSMo 2000, which provides in pertinent part:

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

. . . . .

(5) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public; or incompetency, gross negligence or repeated negligence in the performance of the function or duties of any profession licensed or regulated by this chapter. For the purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession;

. . . .

## II.

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the State Board of Registration for the Healing Arts in this matter under the authority of §621.110, RSMo 2000. This Agreement will be effective immediately on the date entered and finalized by the Board.

A. Effective the date the Board enters into this Agreement:

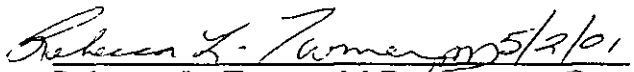
1. **The medical license, No. MDR2J02 issued to Licensee is hereby  
PUBLICLY REPRIMANDED.**

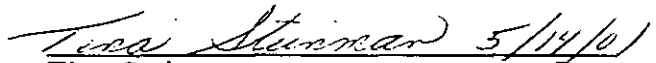
B. In consideration of the foregoing, the parties consent to the termination of any further proceedings based upon the facts set forth herein.



LICENSEE

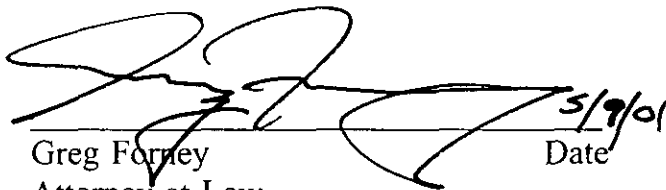
BOARD

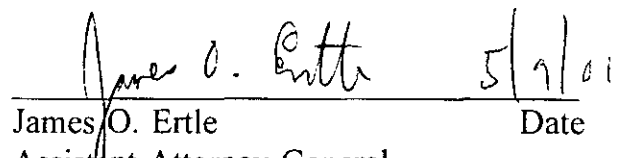
  
Rebecca L. Turner, M.D. Date

  
Tina Steinman Date  
Executive Director  
Missouri State Board of Registration  
for the Healing Arts

SHAFFER, LOMBARDO & SHURIN

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Attorneys for Licensee

Attorneys for Board

EFFECTIVE THIS 15 DAY OF May, 2001.